

GORMAN

2 yr

PETERS

10/12

10 yr - Reps - GA

Personnel

Brother-in-law

Kid

CATO

Wanda

⑨ Pros Waver #5

⑩ Day #5 - Butterkin

⑪ Pros #6 - WAIVER

⑫ Day #6 - *1 Gravenkay
replaced w Savage

80-81
31-32
#25 SALAGE
1 woman 115 lb
5'11" 1/2
Case - victim
2 alternates
1-per emp; long challenge

married - No children
- follow up law
- crime - evidence
#26
55- feel good about the system
Still have life
Meets dist. every Sunday
WICKED
FOR
CASE

#26 Muthersbach
31 UC 78
89
Divorced - No children 16yr - R6

- Spiritual being
- Good Education
- Positive role Models
- Reception
- Attention based

Control - Weekly

No Violent
Can Mow -
Brother - m - low o. ests

#27- Gadsden - early 40's
Married 17
12/13
Zona
Difficult

#28 - Benn

Nothing troubles - some death penalty

1. 2 years
 2. WICKED
 3. Day Statement - try to stand ???
 4. before proceeding
 5. mitigation - Cooper
Swales / Schuppins
- Adm. as interest
self-serving

003042

CROSS of Dan Feldman

Why that day

PM
LK- 6:40 JMH
Sgt E Robert + William
1:48 CIS DF J.W. Moore

11:46 1/20-Mt Healthy
11:46 1/20-Mt Healthy
LM
4:45 6:35

Why 1/21/44

Remember Cold. Sun - ground
Remember - when 1st person involved, that night in
was a big night in MO.
you were not at Mt Healthy
you were at CIS - Criminal Investigation Section,
Broadway - Downtown
Incar - suspects being brought in to be questioned

Know Office - Williamson - Fairfield
Mike Tierney

They were present at CIS
actually interviewed all 3 JASON HOLMES
LARRY KINLEY

Swear that Holmes - & Kinley had been interviewed
previously at Mt H - by Officers Robert + William
Tierney

So you had some knowledge of their statements
you interviewed LK 1st - 1:45
JH left at 3:40
scheduled to interview LM also

But he had not been interviewed by Mt Healthy,
No body questioned him in Mt H - you didn't
know what he was going to say - admit or deny
did not have benefit of being to Fairfield office
knew what other said - but not what M. Moore
would say

40
45 minutes
into night
1st to 5
Second -
before

003043

Lee Moore
- Placed
- 1st
- 1st
- 1st

Was present when he was brought in

Recall: had coat - No shirt - remember he was in his socks - No shoes - he had to walk through snow & slush in his socks

Do you know he was arrested - p-w - evening 25.11.00 5:30
awoke held at Mt Healthy - Jail - cell brought to 655 - 210.11.00
Did you know he had any property with him at the time?

When placed. Was kept - mitted to phone his family & family by himself
He remained by himself until 4:45 AM - That's when you first talked to him

Indistinct

You indicated you made that of the viewing - try to establish some type of rapport - Make person feel at ease - do not want to make them feel uneasy by pulling legal records - in front of - immediately taking try to discuss importance of letting the truth
Reviewed his rights - you didn't sign - joint w officers down Mt Healthy -

Shaw &
117

Describe his demeanor - ^{was he} Calm not nervous & angry - at times he was crying

upset
crying

You initially interviewed at 4:45 - 7:15
Did you make notes - Present in the room

He said - they are you - notes

I DIDN'T PLAN TO KILL ANYBODY - is that what you have written he - That is what I wrote he said

Was urgent
Did you have to be to clear a case -

MARK
89

But he told you what he had to drink the night

you notes indicated 3-40- Gin, Dime 7 web
how much LK MA-7

right - he fired - went to car - indicated LK said
Hymen - you shot him - like he shot it

~~Samuel~~ aware - LK-charged with 11
same as LM

also aware TH-charged with 11 - just like
LM - but ~~the~~ neither will receive death penalty

you testified at Trial of Jason Holmes

remember - you testify & how Fairfield become
involved - you testified LK was up the back to &
LM - decided to go to Fairfield

now here

Now - Taped Statement Lee Mord
told you he had been drinking heavily & smoking
Mandy - consistent w early into-view

she indicated in her taped statement that the shooting was
an accident - that he didn't mean it & that it
was his intention to let the money

she indicated he was trying to go to car - to impress people,
that he wasn't even trying to kill anybody

He never denied his involvement - in these events, viz
the shooting - He told you the truth about taking the
car - told you about involvement of TH & LK
- admitted

Justin Holm
50y. wife

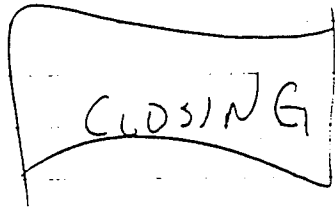
truthfulness
consistent up to point of shooting - RK
Not consistent w what other.

IT not even

LK - find out

15

14
3
17
15
32



- each exhibit what p-m
- print - considered what
chest says
which includes
p-m calculation +
design

all that happened after
p-m calculation & design

Hunt, Stalling - looking for victims

reasonable doubt

Entire - Closing - an opportunity -
choice for me to recall evidence
testimony

① Dead Indictment

Really how important it was to
ask you to keep open mind wait
until you hear all the evidence
then received instructions in this
like to thank you

Spend minute review indictment

54 Indictments Def Charge in 4th M - in 3 counts
4th Ct 2 4th Ct 3 5th Ct 2 Red mapping

One set of
instructions

Specifically a 4th M + Specificity to 4th M
each 4th M counts as 3 Specificity which if you also
relin verdict 7 years - means we proceed to 2d phase
where you decide punishment

At first glance it seems complicated - except for
one aspect -

PROVE IT

Each Count 4th M requires 4th M - called w purpose
one count includes purpose calculation & design - but all 3
each of 2 4th M requires that you are convinced
beyond reasonable doubt - that it was 600 records
Specific intent to kill Mr. John Dill -

003047

(2) The law requires & has been held by the Supreme Court that before you can find any guilty by M. you must find that he specifically intended to cause death. JMO

I ask you to look at the evidence & determine whether or not there was pre-calculatin & design. & whether or not there was premeditation.

In looking at this evidence I ask you to recall opening statement of the prosecutor. He talked about - a hunting trip - where M-More was installing a victim to execute.

But I ask you to look at this evidence & decide if that is what occurred on Jan 14.

When I first spoke to you in my opening at Clark's this case. I indicated - we weren't going to try to pull wool over anyone's eyes. We weren't going to try to hoodwink anyone.

I told you that we would not challenge majority of state's evidence. I said the objective evidence was straight forward & indicated we would not dispute that on Jan 14, 1994, M. Ojeda co- was taken & that ultimately the man was shot & acknowledged that his credit cards were taken & items purchased.

& The majority of the evidence you heard ~~support~~ substantiate the taking of the car, the fact that Mower shot -

You heard from that Ojeda - the victim's father - you heard from his friend at the family home - you heard from P.O. Barrett of Fairfield who was involved in the many prison arrests.

The people from the prison stores talked about the purchase the various police officers talked about the items they received. We didn't really challenge the evidence. We don't deny that these events occurred.

But again, how does this evidence prove pre-meditation & design?

003048

Corone - took at photo's - where was body - How far down 36"
 Unit any position - body

(3)

You heard about Officer who knuckled the body
 Officer Bennett talked about how he came into contact with
 the body at McDonald's. ~~He~~ guess the man was around, he didn't
 run or struggle

Ad
 Corone - pulled trigger
 - Sch. and pulled trigger
 quite easily
 36" - 6" - 3" - 1" - 1/2"
 Potatoes - saw in
 pull trigger several times

You heard from Puff who knuckled down the car - Officer the
 found the body - with photos - Officer Mary - talked about
 36" - 6" - 3" - 1" - 1/2"
 saw this evidence is pretty straightforward, but I
 what I call together - evidence that is not in
 dispute

- you will recall Officer who accidentally pulled the trigger - not that
 happened in. but I changed - accidentally pulled the trigger - because death of MO
 But we then get to the evidence that is intended is designed
 to address the issue of purpose, specific intent, prior
 calculation & design.

Both statements of Officer have told here - & the evidence as to the
 statements of LM - Officer told here that you
 he interviewed LM twice - 1st time at about 4:45 -
 2nd time at about 6:35

Both statements were consistent

Mr. Moore - Never denied his involvement - however
 made up story claiming he was not at the wall or that he
 didn't purchase the credit card

Mr. Moore acknowledged his involvement - you heard his
 responses - he indicated he had been drinking -

3rd Day - Gun - Smith Maj

he talked about how he was trying to get a car to injure
 people - "I wasn't never trying to kill any body."

You heard Lee Moore say how he didn't plan to kill
 any body. It was an accident, he didn't mean it.
 It was my intention to let him go -
 But that didn't happen

④

we believe Mr. was ally Trinito - & Lewis involved in
shorting - he had given - but he didn't take that man in
the process, plus a scheme of shorting him.

The shot was forced but it was an accident. definitely
~~a man to the question~~ an accident

2901.22(A)
Purpose
Firm - Calculators
in Design

And so now you have evidence which raises a question,
as to the elements of purpose, process, time & design

a. after hearing Mr. Lee Moore's statement you now have to know
if it was the specific intent to cause death of MO - if you
can not specifically find this - the law requires you to find
in most jurisdictions of A.M. - ~~Did you then kill MO from time he kept back +~~
~~did not to find it~~

But that is not all the testimony. Barker & The state have
shown up - rebuilt its claim as to you just & the state
attempts to do this in L. & M. K. & L.
I have spent think long & hard about the testimony of LK
you could observe him - you can decide what interest he
has in testimony

You heard him talk about the bus - the fact that he & Chris are
from Cincinnati at 9:45 - when Miss Jane talks about
M. Olson - leaving Fairfield at 9:30.

you heard him talk about Shipley school

he told you he knew all of what happened in Fairfield - but
you also know he wasn't there - He acknowledged he
led to the officer about when the car came on - pseudonym
drop friend - led about his being with Moore when credit
903050

adds were used.

23X² Although one thing I think LK didn't lie about - & that was that he had no idea LM was going to show them now. I don't think that's accurate because there was word they'd be coming in planned then night even if he said they were coming to show PMO -

⑤

when ^{he} ^{was} ^{with} ^{the} ^{police}
 you know he's pretty much interested in saving his own
 rear end - he knows what happened by that doctrine - even though he's a witness
 because of the trouble - he knows what was said even though it was better if he didn't say it
 running the winding up & a little group more being played
 you know he hasn't been sentenced yet - you know he
 has something to open if he co-operates in the trial - the
 judge told him so, his lawyer told him so.

That makes sense - I mean if you wanted to make he
 said the right thing - you had to hold something over his head - give
 him some incentives -

again you know he's willing to say the right things - he
 said what the police wanted when they interviewed him,
 he had his chance of his statement read out. he
 even acknowledged calling in the prosecutor & reviewing his
 testimony -

But his testimony is not consistent - it is self-serving & it is
 in conflict with the objective, straight-forward evidence presented.

LM's statement is just
 Sgt. Officer Feldhaus told you that it is ~~LM's statement~~ that
~~LM's story doesn't~~ ^{is} ~~consistent~~ ⁱⁿ ~~with~~ ^{that of} ~~LM~~
 consistent with that of LK

I just say, I would agree - Officer Feldhaus acknowledges
 that LM told the truth about Purpose 2901.22
 to tell the truth about the ^{last defense purpose requires you to}
 tell the truth about what he did find - person acts purposefully with
 his statements, the police. when it is his intention because
 benefits, wealth, etc. certain result

Sgt. Officer Feldhaus felt ^{prior calculation & design}
 shooter - not likely truth ^{plan, scheme - well reasoned &}
 not match story of ^{study of 49 Murders - requires}
^{study analysis with object}
^{being because details of evidence}
^{State v. Jenkins (1976) 48 Off. 259, 260}

Saying to review the testimony of LK in comparison to
 this statement of LM

003051

- (b) Because I'm reviewing this today - you will have to find beyond a reasonable doubt the LMP specifically intended to cause death of LK
 to do this you will have to disregard statement of LMP + believe testimony of LK

It will require Reasonable Doubt - Read ORC 2901.05
 Reasonable doubt is present when the jurors after they hear

I review testimony of LK
 applying the standard of reasonable doubt
 the law requires you to compare all the evidence
 using reason & common sense
 but the law also requires you to consider the evidence
 & find that it is of such a character - that you
 would be willing to rely & act upon it in the most important
 of your own affairs.

Caliber & quality of testimony of LK is of
 such character & strength that you would be willing
 to rely & act upon it - I think I would be reluctant
 to do if you are then that is reasonable doubt
 + if you have reasonable doubt -

if after reviewing all the evidence - you are not
 firmly convinced, if you have some question or
 are unsure as to purpose & prior calculations & things
 then you must find LMP NOT GUILTY of LK

Now - when I first talked to you about evidence - I indicated LMP was involved. There was
 question as to whether quality of LMP is something else -

Do you recall - to demand something else
 Ask me - I will answer

⑦

When you viewed the testimony, I will tell you there is only
one person who can tell you what happened behind that dumpster
that one person is LM. Behind you the story was an accident
behind the truth about what they did, he is telling you the
truth about the story.

Just give up mind
to do
LL - does not allege
commission of felony
Inv M as to
Chs 2 & 3

Became he has told you this story was an accident because of the
evidence in general - Everything has changed with LM - understand that
the jury will not rely on the law as to LM - in appropriate to counsel
as to the law as to Involuntary Manslaughter -
Involuntary manslaughter - death - but not guilty of 2nd M -
but may be guilty of something else
It will not put you to a question of involuntary manslaughter
that involve person causing death of another - as a proximate
result of conduct or attempting to commit felony.

LM has never denied his involvement - you heard his statement
that he never intended to kill anybody, ~~but~~ his intent was to
steal a car but the story was an accident.

The Code & gentlemen is involuntary manslaughter.

LM - with car - robbery - felony, forced MD into trunk -

Kidnapping, felony & he caused death of MD

Code & gentlemen LM is guilty of involuntary manslaughter.

Decide this case
not on evidence
not on jury finding
it is a finding of fact
as well as LM's facts
But you must decide this
case on the evidence
& affidavits
testimony

Consider the testimony, review the evidence

Discuss the facts only yourselves

Decide on one firmly convinced, if the testimony of LM

is so strong that you would be willing to adjudge on

what he says -

I think if you do this - you will find LM not guilty

of 2nd M - but guilty of involuntary manslaughter, you are

of robbery & kidnapping

We ask you to deliberately discuss the case: consider the evidence

& the law - evidence reasonable doubt abide by you - oath

& if you do - we believe there is sufficient, strong basis for finding of VG to 6 DM

more appropriate - finding of G to 6 Inv V Mans & Robb - kidnaping & G to 6

003053

Part 1: Why Capability of Deadly Weapon

p 24- while

19
Leo Bar Mans!

/// /// /// // // Kidnapping
- released

Gm Spec & Inventory

Pr. spec H3 & CH3

changed [490 - jun to - 414

37 4/6
5/8

#25

126

27

29

CLOSING

- RIGHT WAY TO DO THINGS

- Objections & Hearsay

- Stipulation - Try to avoid undue pain, grief

- M-homed w/ Howard - late when jewelry was - Shantala

→

? - Day to testify ???

P. 11 - DF - Act

Instructions

- Involuntary Manslaughter

- Neg Homicide

003055

Not as telling

There is only one person who can tell what happened
behind that Dumpster
May be guilty, surely - not by M
Surely less

LK

He didn't know - LK going to shoot that Man
LK didn't know that Man was going to be shot

- Reasonable Doubt
- will be relying on
evidence of LK

Not telling you LM - wasn't motivated
didn't have a
credit card

didn't have gun

But the only evidence you have is
LM -

LK - he didn't know

Spec. Info.
studied analysis
of the scene
of the crime
- Design - plan
scheme - well reasoned
- opportunity
- NO PRIOR CALCULATION
- DESIGN
- NO PURPOSE

He caused death - quite, 75% similar Man's death

Arg M -
Law requires - you must find ^{specifically} intent - & cause death

CT1 - Purposely or w.p.-10. calculation & design

CT2 - Purposely

CT3 - Purposely

CT4 -

DT statement of LK not con-
sistent w/ statement of others
& even not - LK - not to read
himself. say whatever please want
him to say

say - was where found guns, &
jewelry -

003056

Cooley, Cutley

Read State v Jenkins - (1984) 15 Oh St 3d 164

— Sher v Penix (1987) 32 Oh St 3d 365
prior calculation & design not

Mickler - dist. jury Maye-
ing 2 Agg Circum
on homicide - 43

57 - kidnapping / Agg Rob
delete prior calculation & design

State v Miller (1991) 59 Oh St 3d 71, 93
convicted of 2 Agg Circumstances Murder escape
deletion & felony murder
Should

Agg Duplicative Agg Circumstances
Should be merged
same Agg Burg - Same facts

State v Burr
one homicide - Can only be convicted of one Agg M
one set of Agg Circumstances

Merged M's - Burr
Burr Burr
Burr Burr

Merge - Specs Penn v. Maye. pending of Grady as 11-90 Agg Circumstances
Wiles 63 Agg M
Grady Agg M - 11-90

11-90 Specs on spec #7 - delete p. in
calcs design
Jenkins

003057

10:10
5/5/04

MTBOW TO SUPPRESS

Heavy to suppress
10:30 330 34k

Lee Moore
5:33 PM - King -
Advised - unmarked Det Hunt
N. Bond
McDonalds Hamilton Ave
Pulled in

MIKE
DONATHON

Lee more out of vehicle
on side of road
Penny - K
Larry - K
Pulled in Don
P 9/6 Hand cuff
Syringe - What's this about
Advanced - 4 injured - eyes - what going on
Don dressed
20 ft
Don't remember - Cold
Jacket - Sweetest

MT Health
Pound - Book - Trunk - hit heart
- Noisy - NCH - Kinky
- Remmed - Not sure - Possible
MT Health - N 5:50

Kinky - up Room
Fair Head - Sy Ed Roberts - 2 Officers
at - 10 minutes
Chase - transporting

Holly Call
0025

003058

5016
Amen 1, 2, 3

2 pages - Back to Police Dept
J. Holby Cell - J 6-12

- No S.W.
Below frozen

new - paul has sweatshirt - No Coat / Jacket

19th - Sch - Finals 18

Address Meredith B.

7 field township

Clothing - JA took

5.00 PM

- Hat, Shirt, Sweat Shirt - Shoes
jewelry

Crat -

Blanket - pink - 1/2 pink

8-26 app - Sgt Denathan

- Bennett

21

100

6 July 1960 H

Returned $\approx 11:30$

Noting
now feel

Cross Bed

Ask each to describe

Allego - jewelry
field had pictures

Farfield had pictures

5000

1 Trailer

Read

- VB Contact

SHAMEE

10:30 PM

see in mt. coffee - did not have coffee

Blue jeans

mit belt - shirt - Brown checked

shoes - stocking feet

No
shirts

30 ft
Slush - ground
a - and heavy

to transport

12:25

Heard where - cont P

Cuffs behind back - Cops then

Youn - Fair

Mike Tierman

SNOW - YES

Read right

Statements

1 Interview at Mt. Healthy

Nothing to eat

- Completed

MIKE

TIERMAN

Det Bob Bennett

McDonalds

followed to location - Close to Mt. Healthy

1900 Ford Fairmont -

5 miles - pulled over

across st - adjacent complex

followed a 2 or 3 miles

pulled into McDonalds

approached - had Gun drawn

JD as BL off - put Hands on steering

Cup -

later - informed - of investigation - cont

003060